

ECUADOR 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Ecuador is a constitutional, multiparty republic with an elected president and unicameral legislature. In April 2021, voters elected President Guillermo Lasso Mendoza from a center-right alliance of the Creating Opportunities Movement, the Social Christian Party, and other selected members of the National Assembly in elections that observers deemed free and fair.

The National Police maintains internal security and law enforcement and is under the authority of the Ministry of Interior. The military is under the authority of the Ministry of Defense. Police and military forces share responsibility for border enforcement, with the military also having limited domestic security responsibilities. The military may complement police operations to maintain and control public order when expressly mandated. Migration officers are civilians and report to the Ministry of Interior. Civilian authorities maintained effective control over the security forces. There were reports that members of the security forces committed some abuses.

Social and Indigenous movements' opposition to government economic policies led to widespread street protests and a shutdown of major city roads and provincial highways that lasted for 18 days in June, the most protracted protests in the country's history. Protest leaders ended the demonstrations on June 30 after reaching a peace agreement with the government that addressed some of their demands and agreeing to a 90-day dialogue period to resolve remaining matters. The protests paralyzed the country, significantly disrupting economic activity and medical services. Attacks by nongovernmental armed groups against security forces during the protests, and police and military responses to those attacks and protests, resulted in deaths and injuries among security forces and civilians.

Significant human rights issues included credible reports of: torture and abuse by police officers and prison guards; harsh and life-threatening prison conditions; serious restrictions on freedom of expression and media, including violence against journalists and the existence of criminal libel laws; serious government corruption;

lack of investigation of and accountability for violence against women and children; and restrictions on workers' freedom of association.

The government took steps to investigate and prosecute officials who committed human rights abuses or engaged in corruption.

Members of criminal gangs in prisons committed acts of torture and killed their rivals during prison disturbances. There were incidents of violence and threats of violence against politicians, journalists, prosecutors, and judges likely perpetrated by nongovernment actors. Members of society engaged in crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons. The government investigated these crimes, and prosecutions were pending.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings. Human rights organizations, however, blamed excessive force by security forces for the deaths of some of the six protesters who died during the June demonstrations. Ministry of Interior officials indicated the causes of death of at least two protesters were due to "circumstance or accident" and had no direct relation with security force actions. Several national and international human rights organizations reported Byron Guatatuca Vargas was killed by a tear gas canister fired at close range, penetrating his skull. Government officials stated Guatatuca died from handling explosives. On June 22, the Attorney General's Office opened an ex officio investigation of the case. The Internal Affairs Unit of the National Police investigates police killings and refers cases to the Attorney General's Office to pursue prosecutions.

On November 23, the Ombudsman's Office presented its report and concluded security forces used "disproportionate force during the social protests." According to the report, the most serious abuses were the deaths of eight persons, including an armed forces officer. The report also called for the creation of a truth commission

to foster reconciliation and reparation to victims and victims' families.

On January 19, a court sentenced police officer Wilson Santiago Olmedo to three years and four months in prison for the crime of “exceeding the limits [of the use of force] in the execution of an act of service.” In June 2021, Olmedo killed two armed assailants as they attacked their victim during an attempted robbery in Riobamba while Olmedo was off duty. The court also ordered him to pay the equivalent of 10 minimum wages and \$10,000 to the victims' families as compensation. On August 25, a Chimborazo court accepted an appeal from the Attorney General's Office, which argued the original sentence did not correspond to sentencing guidelines, and increased his prison sentence to 13 years.

Police attributed a large part of the country's homicide rate to increased drug trafficking and conflicts among drug gangs fighting over trafficking routes. On August 14, media outlets and law enforcement authorities reported a bomb attack in the Cristo del Consuelo neighborhood in Guayaquil killed five persons, injured 17 others, and destroyed seven houses. On November 1-6, gangs orchestrated simultaneous attacks on police and public places in five cities in response to government plans to transfer prisoners to break up gang monopolies in Litoral Prison, the country's largest. The violence resulted in at least nine fatalities, including of five police officers, and at least 29 explosions, 17 shooting events, and eight unexploded ordnances in public places. The government attributed the attacks to drug gangs and stated criminal groups had “declared war on the State.” Following the August and November attacks, President Lasso declared “states of exception” establishing a police-military task force to combat gang-related crime in targeted cities and provinces and also allowing security forces to use proportional force depending on the threat.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

On February 17, a court ratified the nine-year prison sentence given to former intelligence director Pablo Romero for the 2012 kidnapping in Colombia of opposition legislator Fernando Balda. In 2020, the National Court of Justice found Romero guilty of planning the abduction at the order of then President Rafael

Correa, who was also indicted but fled to Belgium. By law, Romero may file an appeal but had not done so as of August 25.

On January 28, the country's representative to the Inter-American Court of Human Rights accepted the state's responsibility for the forced disappearance in Quito in 1990 of writer César Gustavo Garzón Guzmán. In October 2021, the court condemned the state for Garzón's forced disappearance. The court ordered the government to perform, within a reasonable time and with utmost diligence, an investigation to identify, prosecute, and punish those responsible for the crime. The agents responsible for Garzón's disappearance remained unknown.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

While the law prohibits torture and similar forms of intimidation and punishment, there were credible reports police officers and prison guards tortured and abused suspects and prisoners.

Human rights activists reported that as of August 23, officials had not investigated claims alleging police kidnappings, torture, or other forms of degrading treatment during police interrogations related to the October 2019 protests. Human rights advocates said the Attorney General's Office continued to investigate alleged crimes against humanity in the protests that involved former President Lenin Moreno, former Minister of Defense Oswaldo Jarrin, and former Minister of Government Maria Paula Romo. Police stated their actions were aimed at restoring public order and did not result in human rights abuses.

As of August 25, the judiciary had not set a date for the retrial of 37 police officers sentenced in November 2021 to 106 days in prison each for excessive use of force in a 2016 operation to confiscate contraband from inmates in Turi Prison. The defendants appealed the ruling, and in 2020 an Azuay court annulled the 2021 trial and ordered a retrial.

While the law does not protect officials who commit human rights abuses, human rights nongovernmental organizations (NGOs) and others reported that the lack of prosecutions of police officers who allegedly used excessive force against

demonstrators during the October 2019 protests could be interpreted as impunity.

The Internal Affairs Unit of the National Police investigates whether police killings are justifiable and can refer cases to the Attorney General's Office to pursue prosecutions. An intelligence branch within the military has a role similar to the police internal affairs unit. The law states the Attorney General's Office must be involved in all human rights abuse investigations, including unlawful killings and forced disappearances. Human rights defenders reported the National Police Internal Affairs Unit and Attorney General's Office often failed to conduct adequate investigations, noting for example that follow-up on abuse claims was hindered by high staff turnover in the Internal Affairs Unit.

On August 6, the legislature passed the Organic Law that Regulates the Legitimate Use of Force. The law provides a legal framework to guide the actions of the National Police, armed forces, and Penitentiary Security and Surveillance Corps (prison guards) and regulates the specific circumstances in which the use of force is allowed during peaceful demonstrations or social protests to ensure respect for human rights. Broadly, the law makes the use of force a "last resort" self-defense measure and requires security forces to abide by internationally recognized use-of-force principles such as legality, necessity, proportionality, and accountability. It also explicitly authorizes the military to support the police and prison guards to control prison riots during declared states of exception and obligates the government to provide lawyers to defend police accused of using excessive force while carrying out their duties.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to gross overcrowding, gang violence, official corruption, food shortages, and inadequate sanitary conditions and medical care.

Abusive Physical Conditions: Prisons continued to be overcrowded, although the government reported a significant drop in the overcrowding rate. According to the National Service of Comprehensive Attention to Adults Deprived of Liberty and Adolescent Offenders, in 2021 the rate was 27 percent, compared with 8 percent as of August 8.

Access to and quality of food, potable and hot water, heating, sanitation, and medical care were inadequate. Officials confirmed inmates did not have safe and permanent access to nutritious food. An NGO reported authorities sometimes kept prisoners confined in cells for long periods without an opportunity for movement, exercise, or use of showers or sanitary facilities. An NGO reported that prison officials, including medical staff, often failed to adequately screen and segregate prisoners with mental and physical disabilities from the rest of the prison population.

Prison officials and human rights organizations agreed most violent deaths in prisons were linked to rivalries among criminal gangs with links to drug cartels. Fighting between drug-trafficking gangs in prisons led to 96 violent deaths through July 31. As of July, the prison death rate was notably lower than in 2021 (337 total deaths), although more than twice the rate in 2020 (51 total deaths). On May 9, a clash between drug gangs in a Santo Domingo prison left at least 44 dead. Authorities attributed the violence to overcrowding and the recent transfer into the prison of inmates from a rival gang. NGOs reported that criminal organizations operating within and without prisons intimidated prison staff while on and off duty, and inmates enlisted visitors and prison staff to smuggle contraband, including weapons, into prisons.

Administration: Authorities sometimes conducted investigations of credible allegations of mistreatment in prisons.

Human rights organizations continued to report that visitors faced degrading treatment during check-in at prison facilities, including the removal of clothing and illumination of genitalia by flashlights while being forced to jump naked.

Independent Monitoring: Civil society representatives continued to report restrictions to monitoring by independent NGO observers. According to the NGO Permanent Committee for the Defense of Human Rights, authorities failed to respond to many independent observers' requests to visit prisons. The NGO also noted restrictions to visits from the Ombudsman's Office and from the Inter-American Commission on Human Rights.

Improvements: On November 28, 1,360 new prison guards and 100 new

education inspectors graduated from training to reinforce prison security and education programs in 36 prisons nationwide.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but there were reports provincial and local authorities did not always observe these provisions. According to NGOs, illegal detentions continued to occur.

Arrest Procedures and Treatment of Detainees

The law requires authorities to issue specific written arrest orders prior to detention, and a judge must charge a suspect with a specific criminal offense within 24 hours of arrest. NGOs stated judges frequently did not determine a specific criminal offense, particularly for arrests of protesters. Authorities generally observed the time limit for charging a suspect, although in some provinces initial detention was often considerably longer.

Detainees have a constitutional right to an attorney. Those without financial means to pay for an attorney have the right to request a court-appointed attorney from the Public Defender's Office. Although court-appointed defenders were available, the number of cases and limited time to prepare for the defense continued to present a disadvantage to defendants using a public defender during trials.

The law entitles detainees to prompt visits by lawyers and family members, but NGOs continued to report delays depending on the circumstances and the willingness of local courts and prison guards to enforce the law.

Arbitrary Arrest: Media outlets and human rights organizations reported more than 150 arbitrary detentions of protesters during the June demonstrations, claiming that authorities failed to communicate the reasons for arrests and prevented lawyers from communicating with detainees.

Human rights organizations and activists reported the arbitrary detention in Cotopaxi on June 14 of Indigenous leader Leonidas Iza during the social protests that started on June 13. According to human rights organizations, Iza was held

incommunicado for nearly 15 hours without being notified of the reason for his detention. He was also transported from his home province of Cotopaxi to the province of Pichincha, where he was detained. On June 15, a judge ordered a charging process against Iza for allegedly paralyzing public services during the social protest; the court also ordered his release, directed him to report periodically to the Attorney General's Office, and forbade him to leave the country. On August 18, a judge granted Iza a special permit to travel to Brazil to attend an Inter-American Human Rights Court hearing concerning the rights of Indigenous persons. A judge dismissed the case against Iza on September 26.

Pretrial Detention: Corruption and general judicial inefficiency caused trial delays. The length of pretrial detention did not usually exceed the maximum sentence for the alleged crime.

e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary, outside pressure and corruption impaired the judicial process. Legal experts, bar associations, and NGOs reported on the susceptibility of the judiciary to bribes for favorable decisions and faster resolution of cases.

The Judicial Council is the only government authority empowered to remove corrupt judges, but it encountered resistance when attempting to remove some judges. In December 2021, the Constitutional Court heard a request by a judges' association that reported irregularities in a 2019 removal process. That year, the Judicial Council sought to remove 23 of 36 judges who were deemed not to have met the minimum evaluation qualification threshold and replace them with temporary judges from lower courts. The court case followed the council's February 2021 appointment of 11 permanent replacement judges. The court affirmed the council's decision but also ordered the government to compensate the removed judges. In March 2022, the council announced a public call to appoint six more permanent judges and 11 acting judges. As of August 25, the government had not compensated the removed judges.

Three members of the Judicial Council and its former president faced a highly politicized impeachment trial in the legislature due to alleged "breach of duties."

A group of legislators aligned with former President Rafael Correa accused the four individuals of irregularities in the evaluation and removal of judges in 2019 and in the process that replaced those judges. On October 13, the legislature voted to dismiss the impeachment trial against council members.

On May 20, the Judicial Council suspended National Court of Justice president Ivan Saquicela due to alleged “gross negligence” for delaying processing the request to Belgium for former President Rafael Correa’s extradition.

Local media reported organized criminal groups attacked a judge and four public prosecutors during the year. On May 5, prosecutor Victor Hugo Alcivar was seriously injured in an apparent attempt on his life in Santo Domingo. On May 25, prosecutor Luz Marina Delgado and her assistant were shot and killed in Manta. Delgado led a money-laundering investigation into the spouse of a drug trafficker. On July 28, Guayas prosecutor César Peña’s car was hit by gunfire but he was uninjured. On August 15, prosecutor Federico Estrella was shot and killed in Los Rios. Estrella worked for the only office in Babahoyo that investigates violent deaths and drug-related cases. On August 25, judge Nelson Patricio Yánez was killed in Lago Agrio. The Attorney General’s Office was investigating these crimes.

Trial Procedures

The law provides for the right to a fair and public trial, and the judiciary generally enforced this right. While defendants have the right to free assistance from an interpreter, some defendants complained of the lack of an interpreter at court hearings, that this in turn made preparation of a defense problematic for non-Spanish speakers, and that the quality of translators was poor and caused problems when working with public defenders.

Judges reportedly rendered decisions more quickly or more slowly due to media and political pressure or fear in some cases. There were reported delays of up to one year in scheduling some trials. Prisoners reported lengthy delays in setting dates for preliminary hearings after their cases reached a higher court.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Amnesty: On March 10, the National Assembly granted amnesty to 268 persons who participated in the October 2019 social protests. On March 29, the government appealed the amnesty's constitutionality to the Constitutional Court; the appeal was pending as of November 15.

Civil Judicial Procedures and Remedies

Civil courts and the Administrative Conflicts Tribunal, generally considered independent and impartial, handle lawsuits seeking damages for, or the immediate cessation of, human rights abuses. Individuals and organizations may appeal decisions domestically and to regional human rights bodies.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, but laws restrict this right.

Freedom of Expression: The law prohibits persons from using “discrediting expressions,” treated as a misdemeanor with a 15- to 30-day prison term. There were no reports the government invoked this law to restrict freedom of expression.

Violence and Harassment: Local government authorities and criminal organizations committed acts of violence and harassment against journalists. Fundamedios journalist Paul Zamora reported receiving an anonymous death threat against himself and his family in a letter dropped at his front door on July 14.

Zamora filed a complaint with the Attorney General's Office and was awaiting a response as of December 7. At least two other journalists reported receiving anonymous death threats related to their work via messaging platforms and anonymized telephone calls.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: There were significant restrictions on media freedom. Journalists and NGOs said certain politicians and political parties continued to use the “press as enemy” trope and accuse the media of being “corrupt” and “liars.” Media watchdog Fundamedios said the government had not made substantial progress on freedom of expression rights, noting both the lack of progress on investigating and prosecuting high-profile past abuses and ongoing abuses.

The law limits media's ability to provide election coverage during the official campaign period, with no coverage allowed in the final 48 hours preceding a national election. A Constitutional Court ruling affirmed the right of the press to conduct interviews and file special reports on candidates and issues during the campaign period, but the ruling left in place restrictions on “direct or indirect” promotion of candidates or specific political views.

Fundamedios reported a case in which a Ministry of Education official called a school principal giving a live interview to a local media outlet in Cuenca on January 7 and forced him to abruptly suspend his participation.

Fundamedios reported several journalists practiced self-censorship when covering the June protests after protesters sought out and attacked journalists from specific outlets they perceived as “progovernment” (see Nongovernmental Impact below). Some journalists subsequently denied their press affiliation as a form of self-protection, while others began reporting from rooftops or from the inside of vehicles.

On July 21, the legislature approved a communications law reform described by Fundamedios as containing “extreme violations of freedom of expression and press.” The bill restored the government's capacity to sanction and control media and journalists, ultimately, according to Fundamedios, authorizing censorship. The

bill eliminated protections for media expression of “opinion,” protecting only media rights to provide “information.” The legislature’s version also granted the government the right to decide which information was “true” or “false.” After extensive consultation with civil society and journalists, President Lasso issued a partial veto on August 24 and referred other sections of the bill that he deemed unconstitutional to the Constitutional Court for review. On October 3, the Constitutional Court accepted most of the president’s objections, including on the elimination of protections for expressing “opinion” and on governmental determination of “truthful” or “false” information. The bill was returned to the legislature, where the relevant committee drafted a new bill to take into account the Constitutional Court’s ruling. On October 20, after the legislature’s failure to accept or override the president’s August 24 veto of other provisions, those changes entered into force.

As of September 1, the bidding process for the allocation of FM radio and broadcast television frequencies, announced in 2020, remained stalled. Fundamedios and other groups had criticized the Agency for the Regulation and Control of Telecommunications-administered bidding process as lacking transparency and allowing two particular bidders to accumulate a disproportionate number of frequencies. In addition, Fundamedios claimed a June report from the Comptroller General’s Office on the most recent tender for frequency concessions pointed to irregularities committed by telecommunications agency officials.

Libel/Slander Laws: Libel and slander are criminal offenses under the law, with penalties of up to three years in prison, plus fines. The law assigns responsibility to media owners as well as journalists, who are liable for opinion pieces or statements by reporters or others, including readers, using their media platforms. Monitoring organizations reported the national government did not prosecute journalists for libel during the year. Organizations reported seven cases, however, in which politicians initiated legal proceedings against journalists.

On August 2, Guayaquil Mayor Cynthia Viteri filed a slander complaint against the newspaper *Diario Expreso* and journalists who investigated her family circle. Viteri also delivered a speech criticizing the newspaper and journalists investigating her family.

Nongovernmental Impact: Unknown persons not presumed connected with authorities conducted attacks, often fatal, against journalists in July and August. Domestic and international media rights groups reported a gunman shot and killed journalist Mike Cabrera in the coastal city of Portoviejo on July 24. On August 10, two gunmen shot and killed journalist Gerardo Delgado in the coastal city of Manta. Police later detained two suspected gunmen, one of whom said that he was paid \$2,000 to kill Delgado. Prior to the attack, Delgado posted videos regarding crime and neighborhood news on a Facebook page that he founded called Ola Manta TV. The journalist was well known in Manta and had publicly announced his plans to run for city council in the 2023 local elections. As of August 22, the Attorney General’s Office continued investigating the crime to determine if the perpetrators were connected to criminal groups.

During the June social protests, Fundamedios registered 164 acts of violence against media outlets and reported 242 journalists were attacked. This was an increase in violence toward media compared with the mass protests in October 2019, when the NGO registered 182 attacks against journalists. In June, Fundamedios noted increased violent speech from protesters who characterized the media as the “enemy” and targeted journalists from specific outlets alleged to be more favorable to the government, including Ecuavisa and Teleamazonas.

In February, a Guayas court convicted and sentenced to prison six individuals for killing television presenter Efrain Ruales in January 2021. In April, four of the individuals appealed the court’s decision. Authorities began a trial in May against a seventh suspect. An underage suspect was under investigation but remained under house arrest with police protection.

Actions to Expand Freedom of Expression, Including for Members of the Media: On May 18, the government’s Communications Council launched a Protocol of Action Against Aggressions Toward Communication Workers. At the event, Communications Council president Jeannine Cruz emphasized the importance of “protecting the voices of journalists.” According to media organizations, the council also helped journalists refer attacks against them to the Attorney General’s Office.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

A government regulation requires that internet service providers comply with all information requests from the superintendent of telecommunications, allowing access to client Internet Protocol (IP) addresses and information without a judicial order. The law holds a media outlet responsible for online comments from readers if the outlet has no established mechanisms for commenters to register their personal data (including national identification number) or no system to delete offensive comments. The law also prohibits media from using information obtained from social media unless they verify the author of the information.

As of September 6, the government had not issued regulations for the application of the 2021 Personal Data Protection Law and had not appointed a data protection superintendent. Media watchdog groups such as Fundamedios had largely praised the law for establishing high standards for data and privacy protection while protecting freedom of expression.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights, although authorities imposed some restrictions during the street protests in June and at other times.

The government declared six states of exception throughout the year due to rising crime, violent social protests, and illegal mining. The related executive decrees included restrictions on freedom of assembly and association. The Constitutional Court may determine the legality of a state of exception or limit its scope and duration. The court suspended the June state of exception when the protests ended on June 30, arguing that the situation had “changed substantially” and the government had not fully justified the validity of the measure after protests ended.

Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, and the government generally respected this right. Public rallies require prior government permits, which authorities usually granted.

The Ombudsman's Office continued to investigate alleged police repression during March 8 demonstrations commemorating International Women's Day. Participants and media outlets denounced police abuses against women, children, and journalists during the demonstrations. Police allegedly used tear gas and pepper spray and shot pressurized liquid at close range at participants. In some cases, women reported that police hit them with clubs or other items. Police also blocked streets in downtown Quito with shields, horses, and motorcycles to prevent protesters from reaching the main square where the presidential palace is located. The National Assembly's Constitutional Guarantees and Human Rights Committee also continued to investigate reported abuses during the march.

Human rights organizations claimed security forces committed human rights violations and abuses during the June protests, which in many cases also involved violence on the part of protesters. Amnesty International reported harassment, excessive use of force, and arbitrary arrests, in addition to mistreatment and criminalization of demonstrators, journalists, and human rights defenders. The Alliance for Human Rights, comprising 14 human rights national and local organizations, reported police and military repression resulted in six deaths, 335 injured protesters, 155 detentions, and 77 human rights abuses. As of July 6, the Attorney General's Office opened 403 investigations related to the protests, of which 369 were in the investigation phase and 34 in the charging phase.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right. Civil society representatives noted some policies enacted during the Correa administration remained in place and could enable the government to dissolve independent organizations for poorly defined reasons.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related rights.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees, the International Organization for Migration, and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, and other vulnerable persons of concern. In addition, the human mobility law codifies protections granted to migrants in the constitution, advances the protection of refugees and asylum seekers, and provides for nonrefoulement, noncriminalization of irregular migration, and equal treatment before the law for migrants.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Abuse of Migrants and Refugees: Migrants and refugees, especially women, children, and lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals, sometimes experienced sexual and gender-based violence and human trafficking, according to UN agencies and local NGOs. Authorities reported an increase in forced labor, sex trafficking, and the forced recruitment of migrants and refugees into criminal activity, such as drug trafficking and robbery, on the northern and southern borders, particularly by transnational criminal organizations and criminal groups that also operated in Colombia. Migrant and refugee arrivals at irregular crossings amid continued border closures complicated the government's ability to address and prevent abuses against migrants and refugees.

Access to Basic Services: The law provides for protection and access to health care, education, and other services to all individuals irrespective of their migration

status. Nonetheless, some Venezuelan migrant and refugee children remained out of the school system, according to official government statistics. According to NGOs, barriers to the enrollment and retention of refugee and migrant children in school included a lack of information regarding the right to access to education, hidden costs of schooling such as uniforms, lack of classroom space, and, in some instances, xenophobic attitudes towards Venezuelans. According to UN agencies and NGOs, refugees encountered discrimination in employment and housing. Recognized refugees received national identification cards that facilitated access to education, employment, banking, and other public services; however, refugees and migrants reported that at times employers did not recognize government-issued documents that establish their right to work.

Durable Solutions: The government accepted refugees for resettlement and offered naturalization to refugees but recognized very small numbers of Venezuelan refugees. Discrimination and limited access to formal employment and housing affected refugees' ability to assimilate into the local population.

Temporary Protection: On September 1, the Ministry of Interior opened the registration process to Venezuelan migrants who entered the country regularly, as well as all unaccompanied minors, regardless of nationality or migration status. Registration for an estimated 100,000 non-Venezuelans who entered the country regularly opened on November 16. Registration for an estimated 350,000 Venezuelans who entered the country irregularly was scheduled to open on February 16, 2023. Registration produces a certificate, which acts as a temporary residence permit and protects the holder from deportation on migration-related grounds or from incurring migration-related fines while the regularization process is underway. Registration, scheduled to continue through 2025, must be completed before an applicant can start the regularization process to receive a visa. Those who complete registration and receive a registration certificate may apply for a temporary residency visa from the Ministry of Foreign Affairs.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In nationwide elections held in February 2021, citizens elected the president and vice president, 137 National Assembly members, and five representatives to the Andean Parliament. Creating Opportunities Party candidate Guillermo Lasso Mendoza defeated Union for Hope opponent Andres Arauz Galarza in an April presidential runoff election. International observers from the Organization of American States, Inter-American Union of Electoral Organisms, and accredited diplomatic missions concluded the electoral process was orderly and peaceful, and they did not note any significant incidents.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate.

Social media harassment of women politicians and candidates continued. The NGO Participación Ciudadana found 9,960 derogatory tweets against 33 sampled women in politics and government in a study of tweets posted between December 2019 and July 31, 2021. According to the study, 79 percent of derogatory tweets contained messaging dealing with the objectification of women and perceived roles of women in society.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government took steps to implement the law effectively. There were numerous reports of government corruption throughout the year.

Corruption: The government launched or continued multiple investigations, judicial proceedings, and legislative audits of officials accused of corruption related to state contracts and commercial endeavors that reached the highest levels of government.

On July 28, the Attorney General's Office raided the Cotopaxi prefecture offices and arrested Prefect Jorge Guamán and eight other government officials on

corruption charges. Guamán allegedly received millions of dollars in kickbacks in exchange for prefecture contracts and positions in the prefecture. The investigation continued as of August 31.

High-profile prosecutions and investigations continued of alleged public-health sector corruption at the national, provincial, and municipal levels during the COVID-19 crisis. In August, the trial of former Ecuadorian Institute of Social Security (IESS) board president Paul Granda and two former IESS hospital managers on organized crime charges began. Granda was also accused of irregularities in medical supply acquisition contracts during the COVID-19 emergency.

On April 21, the president of the National Court initiated the extradition process of former President Rafael Correa, wanted by the government for his alleged participation in the Sobornos (bribes) corruption scheme that illicitly financed Correa's Alianza PAIS party in exchange for public contracts from 2012 to 2016. On April 22, the Belgian government confirmed it had granted asylum to the former president and his family. On May 6, Belgium rejected Ecuador's extradition request.

On August 5, judge Banny Molina granted what legal experts termed a "dubious" habeas corpus to former Vice President Jorge Glas, Daniel Salcedo, and Christian Araujo after Molina judged the prisoners' rights to health and safety had been violated. Glas had been imprisoned since his 2017 conviction on bribery and corruption charges. Salcedo had been serving a 13-year sentence for embezzlement, while Araujo had been serving a 13-year sentence for murder. The government identified irregularities in the review, including that Molina acted without jurisdiction or competence, and appealed the decision. On August 10, a judge ordered an investigation of Molina, citing malfeasance, and placed him under house arrest. A judge overturned Molina's decision to grant Glas, Salcedo, and Araujo habeas corpus on August 26, and they remained in prison as of September 1.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human

Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views. A human rights organization reported some cases in which the government was reluctant to cooperate with local human rights NGOs while they conducted investigations.

Retribution Against Human Rights Defenders: On July 28, Amnesty International said that NGO Amazon Frontlines lawyer and human rights activist Lina Maria Espinosa received death threats while she provided legal support to the Indigenous communities that participated in the June protests.

Government Human Rights Bodies: The Ombudsman's Office is an administratively and financially independent body focused on human rights and subordinate to the Transparency and Social Control branch of government. The Ombudsman's Office regularly presented cases to the Public Prosecutor's Office. Human rights groups generally viewed the Ombudsman's Office as independent and effective.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal and intimate partner rape, and domestic violence. The government enforced the law, although victims were sometimes reluctant to report these crimes. Rape is punishable with penalties of up to 22 years in prison. The law includes spousal rape under crimes against sexual and reproductive integrity. The penalty for rape where death occurred is 22 to 26 years' imprisonment. Domestic violence is punishable with penalties ranging from four days to seven years in prison and a substantial fine for "damages, pain, and suffering," depending on the severity of the crime. Penalties for physical, psychological, and sexual violence were enforced.

According to local experts, reporting rapes and other forms of violence continued to be a traumatic process, particularly for female minors. For example, a rape victim must file a complaint at the Public Prosecutor's Office and submit to gynecological evaluations akin to rape kits administered by medical experts. Many individuals did not report cases of rape and sexual assault due to fear of retribution from the perpetrator and social stigma.

The law provides for reparations to victims of gender-based violence. The law defines rape, including spousal rape or incest, forced prostitution, sexual harassment, and other analogous practices, as forms of sexual violence. It also entitles victims to immediate protective measures designed to prevent or stop violence, such as police surveillance, placement in shelters, and awareness programs for the victim and family. These measures were generally enforced.

According to human rights organizations, victims were generally reluctant to press domestic violence charges. Judges lacked specialized training for dealing with gender-based violence, and the court system was insufficiently staffed to deal with the caseload. Rights organizations also reported local protection-board officials at times discouraged victims from reporting their aggressors.

In June, the Attorney General's Office, in cooperation with the Judicial Council, National Police, Human Rights Secretariat, and other relevant offices, launched an interactive tool to unify national femicide statistics. As of September 11, the Attorney General's Office reported 61 femicides, on track to exceed the 70 total femicides in 2021. As of October 25, the Attorney General's Office reported the judiciary had not issued sentences in any of the 61 cases. The NGO Latin American Association for Alternative Development counted 206 women killed (under any circumstances) through September 3. The difference between statistics was due to a broader definition of "femicide" used by the association and civil society groups that reported to it.

On September 11, Lieutenant Coronel German Caceres, a senior police officer, allegedly killed his spouse, Maria Belen Bernal, on the campus of the police academy in Quito. Authorities found the victim's remains on September 21, buried on the slope of a volcano near the academy. The autopsy revealed the cause of death was asphyxiation by strangulation. Investigators questioned Caceres on

September 14 and then released him. Caceres disappeared soon afterwards and remained at large as of October 25. An investigation of the killing was underway.

Sexual Harassment: The law criminalizes sexual harassment and provides for penalties of one to five years in prison. The law defines sexual harassment and other analogous practices as forms of sexual violence and mandates that judges prohibit contact between the aggressor and the victim to prevent revictimization and intimidation, and the law was generally enforced. Despite the legal prohibition of sexual harassment and government implementation of the law, women's rights organizations said that victims tended not to report alleged harassment and that harassment remained common in public spaces.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Some women's rights activists complained that a lack of comprehensive sex education limited individuals' ability to manage their reproductive health and that ineffective distribution of birth control reduced access to contraception.

Emergency contraception was available as part of methods for family planning; however, the Roman Catholic Church's stance against contraceptive use and social stigma discouraged women from seeking family planning services.

A 2019 study found income status affected equity in sexual and reproductive health access and outcomes, with low income and rural individuals having significantly less access. UN agencies reported that vulnerable populations, including Afro-Ecuadorians, Indigenous groups, rural inhabitants, LGBTQI+ individuals, persons with disabilities, HIV-positive persons, and migrants faced, limited access and discrimination regarding the provision of reproductive health services.

CARE International observed there was less access to sexual and reproductive health resources for survivors of sexual violence than in previous years, and specifically, a lack of availability of emergency contraception as part of the clinical management of rape. International organizations said public hospitals were still restocking emergency contraception materials after a drop in national stock levels during the pandemic, caused by the government's focus on pandemic-related

issues.

In 2021, Secretary of Human Rights Bernarda Ordóñez stated 70 percent of girls ages 10 to 14 who became pregnant were most likely sexually violated. Ordóñez added that many of these adolescents also suffered from sexually transmitted diseases, urinary tract infections, and other health complications.

While the law prohibits discrimination against girls who become mothers, NGOs reported some faced discrimination and subsequently left school. A lack of resources also resulted in young mothers discontinuing their education to pursue work.

Discrimination: The constitution affords women the same legal status and rights as men. Nevertheless, discrimination against women was prevalent, particularly with respect to economic opportunities for older women and for those in the lower economic strata. Women continued to face wage disparities compared with men. NGOs said women also faced discrimination in job recruitment, housing access, and some judicial proceedings, namely, in reporting and filing charges in cases of alleged sexual abuse.

Systemic Racial or Ethnic Violence and Discrimination

The constitution declares the state to be plurinational and affirms the principle of nonviolence and nondiscrimination by recognizing the rights of Indigenous, Afro-Ecuadorian, and Montubio (an independent ethnic group of persons with a mixture of Afro-Ecuadorian, Indigenous, and Spanish ancestry) communities. It also mandates affirmative action policies to provide for the representation of minorities. NGOs and civil society representatives said those provisions were not effectively enforced.

Citing official data for 2021, media reported Indigenous, Afro-Ecuadorian, and Montubio populations experienced the highest poverty rates in the country. Among those populations, the most affected were Indigenous children, followed by Montubio girls.

Afro-Ecuadorians, who accounted for approximately 7 percent of the population, according to the most recent census (2010), suffered pervasive discrimination,

particularly regarding educational and economic opportunity. Afro-Ecuadorian organizations noted that, despite the absence of official discrimination, societal discrimination and stereotyping in media continued to result in barriers to employment, education, and housing. A national gender survey published in 2019 found Afro-Ecuadorian women were particularly vulnerable to gender-based violence and harassment based on racial, gender, and sexual stereotypes.

Attorney General Diana Salazar reported that on January 18, she received derogatory messages referencing her Afro-Ecuadorian ethnicity during a virtual meeting.

Indigenous Peoples

There were isolated reports of restrictions on Indigenous persons and their institutions in decisions affecting their property or way of life.

The law provides Indigenous persons the same civil and political rights as other citizens. The constitution recognizes Kichwa and Shuar as “official languages of intercultural relations.” The constitution obligates the state to consult local communities and Indigenous persons prior to initiation of projects on their lands through a process that is free, informed, and culturally appropriate, although Indigenous peoples’ organizations noted public- and private-sector actors often ignored prior consultation. Despite the legal obligation, the government had yet to pass a national community consultation law.

The constitution also allows Indigenous persons to participate in the economic benefits that natural resource extraction projects may bring and to receive compensation for any damages that result. In the case of environmental damage, the law mandates immediate corrective government action and full restitution from the responsible company, although some Indigenous organizations asserted a lack of consultation and remedial action. The law recognizes the rights of Indigenous communities to hold property communally, although the titling process remained incomplete in parts of the country.

A February 4 Constitutional Court ruling recognized the right of Indigenous communities to have the final decision over oil, mining, and other extractive projects that affect their lands. The ruling stems from the A’i Kofan community of

Sinangoe's 2018 lawsuit seeking the annulment of 52 gold-mining concessions granted by the government along the community's most important river. Considering numerous violations of the right to prior consultation, the Constitutional Court selected this case to establish a precedent requiring the government to obtain the consent of the affected communities before undertaking oil, mining, or other extractive plans or projects, based on Indigenous persons' rights to self-determination. The court also indicated in its ruling that reparation measures "are mandatory and immediately enforceable."

Children

Birth Registration: Citizenship is acquired through birth in the country, birth to an Ecuadorian mother or father abroad, or by naturalization. Birth registration was provided on a nondiscriminatory basis. According to UNICEF, families with limited economic resources, especially in rural areas and in the northern border provinces, continued to show registration rates significantly lower than those of other groups, which led to a national 10 percent nonregistration rate. The main causes were the long distances that families had to travel to register their children and the lack of information available for parents that demonstrated the importance of registration. Government teams occasionally traveled to remote rural areas to register families and persons with disabilities. While the law prohibits schools from requesting civil registration documents for enrollment, some (mostly public) schools continued to require them. Other government services, including welfare payments and free primary health care, require some form of identification. Migrant children were particularly affected by this requirement, which prevented adequate access to these services.

Education: The lack of schools in some areas specifically affected Indigenous and refugee and migrant children, who must travel long distances to attend school.

Child Abuse: The law criminalizes child abuse and provides penalties of 30 days to 26 years in prison, depending on the severity of the abuse.

According to UNICEF, citing a 2019 national survey, more than 45 percent among adolescents between 15 and 17 years of age had suffered sexual violence in their lifetime. In 2020, the UN Human Rights Council study revealed that most of the

gender-based violence against children and adolescents occurred in the family environment and that the aggressors were relatives and persons close to the family (65 percent) or linked with the education system (17 percent).

Bullying remained a problem in schools and increasingly occurred on social media. In April 2021, reforms to the Intercultural Education Law took effect, aiming to prevent and combat digital sexual violence and strengthen the fight against cybercrimes by making online bullying punishable. Despite regulations, media outlets covered several cases of bullying and cyberbullying that were reported to the Attorney General's Office, which had not responded to them a year or more after receiving the report.

Child, Early, and Forced Marriage: The legal marriage age is 18. There were reports of early and forced marriage in rural and poor areas. According to UNICEF and Plan International, poor girls and adolescents were at higher risk of child, early, or forced marriage. Both agencies also identified cases in which the girls' parents promoted early marriages to improve their social and economic status. This practice commonly led to other social problems such as gender-based violence, early pregnancy, leaving school prematurely, and unemployment.

Sexual Exploitation of Children: The age of consent is 14. The law prohibits sexual exploitation of children, including child pornography, with penalties of 22 to 26 years' imprisonment. The penalty for human trafficking, including child sex trafficking, is 13 to 16 years in prison. Authorities did not criminalize all forms of child sex trafficking. The criminal code requires proof of force, fraud, or coercion as essential elements of a trafficking crime, neglecting to recognize that anyone younger than age 18 is unable to provide informed consent.

Child sex trafficking remained a problem, despite government enforcement efforts. Between January and June, the Attorney General's Office registered 53 reports of different forms of trafficking in persons, of which 93 percent involved children.

Infanticide, including Infanticide of Children with Disabilities: UNICEF and media outlets reported a case of infanticide of a baby age seven months in April in Ibarra. A provincial judge ordered pretrial detention for the three suspects in the crime.

Displaced Children: Humanitarian organizations expressed concern that an increasing number of unaccompanied refugee and migrant children entered the country via irregular crossings. International organizations remained concerned unaccompanied children and adolescents were vulnerable to harassment, exploitation, and trafficking by criminal groups. Under a presidential decree issued on June 1, unaccompanied migrant children have access to regularized migration status (see section 2.e.).

Antisemitism

There is a small Jewish community, including an estimated 450 individuals in Quito, 40 individuals in Guayaquil, and 10 individuals elsewhere in the country. The Jewish community reported no attacks or aggression as of August 13.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No laws exist to criminalize same-sex conduct or gender identity or expression.

Violence against LGBTQI+ Persons: LGBTQI+ organizations reported the killing of two LGBTQI+ individuals in January, one in Guayaquil and the other in the province of Cotopaxi. The NGO Silueta X characterized both deaths as transfemicides, defined as killings of transgender women by individuals motivated by antitransgender bias. The digital news outlet *GK* said one of the victim's relatives reported the killing to the Attorney General's Office but did not receive a response. LGBTQI+ organizations claimed government institutions in general failed to properly register and categorize violent acts against the LGBTQI+ community, leading to underreporting. LGBTQI+ groups claimed police and prosecutors did not thoroughly investigate deaths of LGBTQI+ individuals,

including when there was suspicion that the killing was motivated by anti-LGBTQI+ bias. The NGO Fundación Ecuatoriana Equidad, a sexual health and LGBTQI+ advocacy group, cited police and prosecutors' lax attitude and the lack of technical capacity and knowledge about LGBTQI+ individuals to explain insufficient investigations into crimes committed against LGBTQI+ persons.

Discrimination: The constitution includes the principle of nondiscrimination with respect to gender identity or sexual orientation. The law prohibits discrimination based on sexual orientation and gender identity. The law also prohibits hate crimes, but LGBTQI+ activists asserted that since the legal codification of hate crimes in 2008, there had been no hate crime convictions for crimes against LGBTQI+ persons. LGBTQI+ persons continued to suffer discrimination from both public and private entities, particularly in education, employment, and access to health care. LGBTQI+ organizations reported transgender persons suffered more discrimination because they were more visible.

LGBTQI+ persons continued to report that the government sometimes denied them equal access to formal education. Fundación Ecuatoriana Equidad indicated the government did not comprehensively apply policy provisions to prevent and combat discrimination. LGBTQI+ students, particularly transgender students, sometimes were discouraged from attending classes and were more susceptible to bullying in schools. Human rights activists argued the Ministry of Education and school administrators were slow to respond to complaints regarding harassment, discrimination, or abuse against LGBTQI+ persons.

LGBTQI+ persons involved in the commercial sex trade reported abusive situations, extortion, and mistreatment by security forces.

In December 2021, the navy publicly apologized to Diocles Daniel García Zambrano for committing a discriminatory act by discharging him based on his sexual orientation without respecting the guarantees of due process. The navy assumed responsibility for the act and pledged not to discriminate based on sexual orientation, whether real or perceived, of all persons entering active service.

Availability of Legal Gender Recognition: The law prohibits changing gender on identity documents for LGBTQI+ persons younger than 18, even with parental

consent. As of August 17, a decision remained pending in a case before the Constitutional Court to determine the age at which transgender underage individuals may change their identity information.

On May 5, the Constitutional Court ruled that the Office of the Civil Registry may change an individual's sex on record at the person's request without requesting any additional documents. An LGBTQI+ organization reported that despite the ruling, the Office of the Civil Registry had not yet implemented the ruling. The court also ordered the National Assembly to "discuss and approve a bill to regulate the procedure for changing the sex of transgender persons." The legislature's Constitutional Guarantees and Human Rights Committee members began drafting a law in July.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: An LGBTQI+ organization reported the existence of clandestine private treatment centers confining LGBTQI+ persons against their will to "cure" or "dehomosexualize" them despite the illegality of such treatment. LGBTQI+ organizations reported that the practice persisted under the guise of religious or "wellness" retreats or drug addiction treatment centers. According to one LGBTQI+ organization, the Ministry of Public Health had some success in identifying and closing such institutions. Another LGBTQI+ organization claimed the Attorney General's Office had not taken any action against the individuals who ran these establishments.

According to the advocacy NGO Dialogo Diverso, many individuals confined to the "clinics" were afraid to report the activity because in most cases their own family members forced them into the "treatments." LGBTQI+ organizations also reported relatives took LGBTQI+ persons to neighboring countries, where clinics reportedly used violent treatments, including rape, to attempt to change LGBTQI+ persons' sexual orientation.

Additionally, an intersex organization reported infants and children born with nonbinary sex characteristics were subjected to unnecessary irreversible genital surgeries in an attempt to "normalize" their gender appearance.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

An LGBTQI+ organization claimed that despite the law protecting freedom of expression, major television networks systematically censored LGBTQI+ individuals and granted more space to conservative views.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The law stipulates persons with disabilities have the right to health care and health insurance; to employment and job security; to education, including programs for scholarships and student loans; and to access buildings, transport, and communications. The government did not fully enforce its provisions.

By law, children with disabilities may attend specialized schools, but all educational establishments must accommodate students with disabilities. An advocacy NGO for persons with disabilities said nonspecialized institutions lacked the capacity and staff to accommodate the range of disabilities. The NGO said children with disabilities attended primary and secondary education at similar rates to other children, but they attended higher education at lower rates due to a lack of access to quality support and accessible infrastructure. According to the NGO, the lack of interagency coordination especially in the public sector hampered the possibility for persons with disabilities to transit smoothly from high school to universities or technical institutions and then to an independent life.

The law requires that 4 percent of employees in all public and private enterprises with more than 25 employees be persons with disabilities, and it gives the Ombudsman's Office responsibility for following up on alleged violations of the rights of persons with disabilities, stipulating fines and punishments for lack of compliance. As of 2021, 52 percent of enterprises complied with the law, 3 percent fewer than in 2020.

Other Societal Violence or Discrimination

Fundación Ecuatoriana Equidad said that although HIV-positive individuals were registered with the social security system, diagnosis, follow-up testing, and treatment continued to be inadequate due to perceived poor management by the

Ministry of Health and general corruption.

Although Ministry of Labor regulations prohibit discrimination against hiring HIV-positive individuals and bans HIV tests as entry requirements for a job, LGBTQI+ organizations argued many employers continued requiring tests.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, with some exceptions, provides for certain rights of workers to form and join trade unions of their choice, to bargain collectively, and to strike. The law requires a minimum of 30 workers for the creation of an association, work committee, or labor union, regardless of the total number of employees in the workplace. The law does not allow foreign citizens to serve as trade union officers.

The law prohibits the dismissal of union members from the moment a union notifies the labor inspector of its general assembly. Employers are not required to reinstate workers fired for union activity but are required to pay such workers compensation and a fine of one year's annual salary for everyone wrongfully dismissed. Individual workers still employed may take complaints against employers to the Labor Inspection Office. Individuals no longer employed may take their complaints to courts charged with protecting labor rights.

Unions may take complaints to a tripartite arbitration board established to hear their complaints. Despite the legal obligation to begin mediation within 48 hours of issuing a complaint, these procedures often were subject to lengthy delays because the Ministry of Labor lacked the skills and staff to address all arbitration requests and appeals. Private-sector representatives alleged that boards exhibited conscious bias in favor of employees.

All private employers with unionized employees are required to negotiate collectively when the union so requests.

Ministerial resolutions allow for the use of certain types of labor contracts, with specific provisions for the flower, palm, fishing, livestock, and construction

sectors. Unions alleged these could be used to undermine the right to organize. For example, employers may refuse to renew a short-term or temporary contract to a worker who is attempting to organize a union, or they may outsource workers to prevent collective bargaining. The Ministry of Labor denied registration of a gig workers union,

The right for workers to organize at a sectoral level was recognized by the courts but was not always implemented. In May 2021, a provincial court ordered that the Ministry of Labor recognize the Trade Union Association of Agricultural Banana Workers and Peasants (ASTAC) as a sector-wide union for banana workers, and the court tasked the Ombudsman's Office with monitoring the decision's implementation. This decision followed requests by the International Labor Organization (ILO) to permit sector-wide union organizing in compliance with international labor standards. On January 11, the ministry recognized ASTAC as a sector-wide union but failed to comply with other provisions of the court's decision, including the issuance of implementing regulations for collective bargaining at the sectoral level and guaranteeing the right of future sector-wide unionization. ASTAC representatives affirmed that without implementing regulations, their right to collective bargaining was limited. The union submitted its case to the Inter-American Commission on Human Rights in August.

The law provides for the right of private-sector employees to strike and conduct three-day solidarity strikes or boycotts on behalf of employees in other industries. The law also establishes, however, that before most strikes, collective labor disputes must be referred to courts of conciliation and arbitration.

The law requires a 10- to 20-day "cooling-off" period from the time a strike is declared before it can take effect. During this time, workers and employers must agree on how many workers are needed to ensure a minimum level of service; at least 20 percent of the workforce must continue to work to provide essential services. The law provides the employer may contract substitute personnel only when striking workers refuse to send the number of workers required to provide the minimum necessary services. Contracting substitute personnel was effectively impossible, however, as the law does not provide for time-limited, seasonal, hourly, or part-time contracts.

The law prohibits formation of unions and restricts the right to collective bargaining and striking of public-sector workers in a long list of “strategic sectors,” including environmental sanitation, education, justice, social security, electrical energy, hydrocarbon production, fuel processing, transport and distribution, public transportation, and postal service and telecommunications sectors, which exceeds the ILO standard for essential services. Workers in these sectors attempting to strike may face charges with penalties of two to five years’ imprisonment. The government effectively enforced the law on “strategic sectors.”

All unions in the public sector fall under the Confederation of Public Servants. Although most public-sector workers also maintained membership in labor-sector associations, the law does not allow such associations to bargain collectively or to strike. The law specifies that only the private sector may engage in collective bargaining.

The government did not effectively enforce all applicable law. Penalties were commensurate with those for other laws involving denial of civil rights, such as discrimination. Penalties were rarely applied against violators.

Employers did not always respect freedom of association and collective bargaining, and labor rights advocacy groups said that influential business interests tied to local officials sometimes used criminal proceedings to restrict workers’ right to unionize. It was estimated that approximately 3 percent of the total workforce was unionized, with the number of public and private unions registered by the Ministry of Labor decreasing by half since 2017.

Unions reported the Ministry of Labor delayed unions’ requests to update their boards of directors, which led to delayed registration. Labor unions and associations reported difficulties and delays in registering unions in the ministry due to excessive and ever-changing requirements – sometimes not stated in the regulations – and ministry staff shortages.

There were several cases in which the leaders of new unions were fired by their employers while the former were awaiting ministry registration. Even if a court supported a union’s registration efforts, dismissed leaders were entitled only to compensation, not reinstatement, which undermined the union’s ability to form. In

addition, dismissed union leaders cannot turn to the Ministry of Labor but must go through the courts. Javier Burgos was elected ASTAC secretary general in 2011, but ASTAC did not receive its registration until 2021, and Burgos was fired in November 2021. Although illegally fired, Burgos was not able to obtain severance as he could not afford the court procedure.

Independent union leaders alleged that at least two unions were controlled by the government and thus received preferential treatment in administrative processes as well as invitations to roundtables to discuss labor policies.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor, including all forms of labor exploitation. The government did not effectively enforce the law. Limited presence in parts of the country and inadequate victim services hampered the effectiveness of police and prosecutors. NGOs and media outlets continued to report that children were victims of human trafficking in forced criminality, particularly drug trafficking and robbery.

Reports of forced labor by children (see section 7.c.) and women persisted. Observers most frequently reported women as victims of domestic servitude. In 2021, police arrested 65 suspected traffickers. Authorities prosecuted 47 individuals in 17 trafficking cases and convicted and sentenced 13 traffickers. In 2021, the government identified 51 victims of human trafficking and aided some through witness protection services, shelter placement, and repatriation.

Indigenous and Afro-Ecuadorians, Venezuelan migrants, and Colombian refugees (see section 7.d.) were particularly vulnerable to forced labor and human trafficking. Traffickers often recruited children from impoverished Indigenous families with false promises of employment; these children were then forced to beg or to work as domestic servants, in sweatshops, or as street and commercial vendors within the country or in other South American countries.

Local men, women, and children were exploited in forced labor in domestic service; forced begging; on banana, hemp, and palm plantations; street vending; illegal mining; and other areas of the informal economy. According to international organizations, income loss due to the economic crisis caused by

COVID-19 increased the vulnerability of at-risk groups to human trafficking, particularly migrants and those working in the informal sector.

Men, women, and children were exploited in forced labor abroad, including in the United States and other South American countries, particularly Chile and Colombia.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit employment discrimination on the grounds of race, religion, national origin, sex (including pregnancy), ethnicity, gender, disability, language, age, sexual orientation or gender identity, migratory condition, HIV or other communicable disease status, or socioeconomic status. The government did not effectively enforce these laws and regulations. Penalties were commensurate with laws related to civil rights, such as election interference, but were rarely applied against violators. An NGO reported that Ministry of Labor representatives were frequently unprepared for administrative cases regarding discrimination based on sexual orientation or gender identity due to a lack of familiarity with LGBTQI+ issues.

Employment discrimination against women was prevalent (see also section 6), particularly with respect to older women and the poor. According to union leaders, employers continued to assign women heavier workloads, forcing them to “clean up” workstations afterhours, especially in the agricultural sector. A workers’ association alleged this also occurred in a textile factory where women regularly worked overtime and did not receive minimum wage. Official statistics showed that in June the average monthly income for an employed man was 19 percent higher than for an employed woman.

Afro-Ecuadorians reported that employers often profiled them based on their job application photographs and racial stereotypes.

Migrants faced abuses such as overtime work without due pay, especially in the growing digital platform sector. According to a union, 80 percent of digital platform workers were migrants.

Indigenous and LGBTQI+ individuals as well as persons with disabilities also experienced employment discrimination.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provides for a minimum monthly wage, which was above the poverty income level. The law limits the standard work period to 40 hours a week, eight hours a day, with two consecutive days of rest per week. Miners are limited to six hours a day and may work only one additional hour a day with premium pay. Overtime is limited to no more than four hours a day and a total of 12 hours a week. Mandatory overtime is prohibited. Different regulations regarding schedule and vacations apply to live-in domestic workers. The law mandates prison terms for employers who do not register domestic workers with the Social Security Administration.

A law on COVID-19's impact allows employers and employees to enter into force majeure agreements, although the dismissal of an employee is permitted only if the business ceased operations permanently. The law also permits employers to reduce working hours and salaries by up to 50 and 45 percent, respectively, by signing "emergency contracts" with their employees to prevent job losses. Citing government data, media reported that as of June 20, companies had enrolled 111,826 workers under "emergency contracts"; most were in the agriculture, manufacturing, and trade sectors. Unions and labor organizations said the law enabled precarious work conditions, reduced wages below the minimum wage, and allowed unfair dismissals without due compensation because of employers' leverage over employees desperate to keep their jobs during the COVID-19 economic slowdown. In December 2021, the Constitutional Court declared the force majeure provision unconstitutional, arguing it was "incompatible with the right to legal certainty recognized in the Constitution." In June, the National

Assembly approved a partial repeal of the law, but the president vetoed the repeal on July 20, which prevents the legislature from addressing it for a one-year period. Labor unions filed a lawsuit with the Constitutional Court the same month challenging other provisions in the law.

Labor leaders and NGOs said there were no specific sectors with a concentration of alleged violations of wage, hour, or overtime laws. They reported that the number of complaints against public and private companies in the service, agricultural, and manufacturing sectors, however, was rising because of perceived unfair dismissals, mostly under “emergency contracts” as provided in the COVID-19 law. They said that women and young workers were sometimes vulnerable to wage exploitation in the informal sector, and that domestic and service-sector workers sometimes had to accept conditions including unpaid or underpaid overtime.

Occupational Safety and Health: The law provides for the health and safety of workers and outlines occupational safety and health (OSH) standards, which are current and appropriate for the country’s main industries. Authorities may conduct labor inspections by appointment, after a worker complaint, or through unannounced visits. If a worker requests an inspection and a Ministry of Labor inspector confirms a workplace hazard, the inspector then may close the workplace. Labor inspections generally occurred because of complaints, not as a preventive measure. In some cases, violations were remedied, but other cases were subjected to legal challenges that delayed changes for months.

Workers in the formal sector could generally remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. Labor representatives from the agricultural sector said they registered cases in which employers forced workers to return to the plantations shortly after fumigations took place, risking illness or bodily harm. There were no reported deaths due to fumigation practices, in large part, according to union leaders, because doctors were afraid to sign any document confirming a direct link to pesticide exposure.

In July 2021, the Labor Ministry issued guidelines for the progressive return to work activities in the public and private sectors. Due to a COVID-19 surge in mid-year, the Emergency Operations Committee ordered a reduction in in-person work

by public officials. The committee instructed public institutions to issue internal regulations to determine positions eligible for optional telework. The ministry prioritized telework for pregnant and nursing women, persons with disabilities, persons with catastrophic diseases and their caregivers, and senior workers.

Wage, Hour, and OSH Enforcement: The Ministry of Labor is responsible for enforcement of wage, hour, and OSH laws. The government did not effectively enforce the laws. Inspectors have the authority to make unannounced inspections. The ministry issues fines for wage and hour law and OSH violations. Penalties were commensurate with those for similar crimes, such as fraud or negligence, but were rarely applied to violators. The government's 117 total reported labor inspectors in 2021 were fewer than ILO standards recommend for the country's population and labor force size. The ministry continued its enforcement reforms by increasing the number of workers protected by contracts and minimum wage standards and eligible for social security benefits.

Informal Sector: Wage, hour, and OSH regulations and standards were not applied to part-time workers or those in the informal sector, which employed 52 percent of the working population as of July. These workers were not registered in the social security system nor eligible to receive other legally mandated benefits.

OSH problems were more prevalent in the informal sector. The law singles out the health and safety of miners, but the government did not enforce safety rules in informal, often illegal, small-scale mines (frequently linked to local community leaders and organized criminal groups), which made up the vast majority of mining enterprises. Migrants and refugees were particularly vulnerable to hazardous and exploitative working conditions. According to media and labor associations, local organizations reported complaints of Venezuelans receiving below the minimum wage, particularly in the informal sector. Gig workers reported conditions that did not follow wage, hour, and safety laws.